

c.) Remarks

Claim 24 is amended in order to recite the present invention with the specificity required by statute. Claims 1-22, 27-33, 36-43 and 48-50 are cancelled in order to reduce the issues and claims 26, 34 and 35 are amended to maintain their dependency. Additionally, new claims 51-58 are presented in order to more specifically recite various preferred embodiments of the present invention.

For the Examiner's convenience, the amendment to claim 24 is in conformity with the Restriction Requirement detailed in the Office Action, as well as original claims 18, 26, 34 and 35, and (67) at specification page 24. The subject matter of claims 51-55 is found at (53), (54), (72), (86) and (88) at specification pages 21, 25 and 29. The subject matter of claim 56 is found from page 38, line 24 to page 39, line 10 and examples 96, 455, 499-507 and 612-616. The subject matter of claim 57 is discussed from page 40, line 30 to page 41, line 11 and examples 455-527, 536-576, 579-580, 611-621 and 625. Lastly, the subject matter of claim 58 is disclosed in Table 9 at specification page 148. Accordingly, no new matter has been added.

The amendments filed July 31 and August 10, 2006 are objected to under 35 U.S.C. §132(a) because the Examiner contends they introduce new matter into the disclosure¹. Respectfully submitted, the objection is not well-understood since the subject matter of the noted amendments is believed to be plain to those of ordinary skill herein. That is, the amendments simply correct clear typographical errors², provide proper

¹ The Examiner noted in a telephone conference with the undersigned on November 6, 2009 that only the amendments specified in the Office Action were objected to and none of the other changes needed to be addressed herein.

² For example, pages 265, 281, and 306.

nomenclature for compounds with disclosed structural formulae³, find clear bases in the remainder of the specification as filed⁴ or are inherent⁵. Nonetheless, solely in order to reduce the issues and expedite prosecution herein, each has above been reversed. Accordingly, this objection is mooted.

Claims 1-4, 7-14, 16-18 and 22 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As noted above, however, claims 1-22 are cancelled without prejudice or disclaimer. Accordingly, this rejection is mooted as well.

Claims 1-4, 7-14, 16-18, 22, 24-27, 30-35 and 38-43 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 4-8, 12 and 13 of co-pending Application No. 11/917,972. However, no response is required to this provisional rejection since this is the earlier application, see MPEP §804.

Initially, Applicants note the Examiner has not rejected claims 18 or 42 over the prior art. The Examiner's efforts to expedite prosecution herein by examining separately the subject matter of Applicants' dependent claims is gratefully acknowledged.

Claims 1-4, 7-14, 16, 17, 22, 24-27, 30-35, 38-41 and 43 are rejected under 35 U.S.C. §103(a) as being obvious over Biogegrain, U.S. Patent No. 5,134,889. In

³ For example, pages 160, 327 and 350.

⁴ For example, pages 72, 223, 224, and 23.

⁵ For example, pages 229 and 518.

response, solely in order to reduce the issues, claim 24 is above amended to recite the features of claim 18. Accordingly, this rejection is overcome.

In view of the above amendments and remarks, Applicants submit that all of the Examiner's concerns are now overcome and the claims are now in allowable condition. Accordingly, reconsideration and allowance of this application is earnestly solicited.

Claims 24-26, 34, 35 and 51-58 remain presented for continued prosecution.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

/Lawrence S. Perry/
Lawrence S. Perry
Attorney for Applicants
Registration No. 31,865

FITZPATRICK, CELLA, HARPER & SCINTO
1290 Avenue of the Americas
New York, New York 10104-3800
Facsimile: (212) 218-2200

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